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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,920	11/13/2003	Nikhil R. Baxi	2802-152-018	9870

7590 09/12/2005

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EXAMINER

PATEL, VISHAL A

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/712,920	BAXI ET AL.	
	Examiner	Art Unit	
	Vishal Patel	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 21-23 is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20 is/are rejected.
- 7) ☐ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/13/03</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-6, 9, 10-15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spence et al (US. 3,589, 752) in view of Warburton-Pitt (US. 6,846,124).

Spence teaches a connector for attachment with a hose, the connector comprising a hose nipple (nipple of figure 1) with a first longitudinal end, a second longitudinal end and a bore extending there through, said hose nipple having a generally tubular shape with an exterior surface defining an outwardly extending annular protuberance (protuberance 29) located between said first and said second ends, a clip (clip of figure 2) for attachment with said hose nipple having a base portion (portion that connects 22 to 21) with a support bar (portion between 22 and 21) connected to an annular member (22) having a finger that matingly abuts said annular protuberance, said clip further including at least two longitudinal legs (legs 21) extending from said base portion, said legs being radially outwardly distanced from said nipple exterior surface. The annular protuberance is an annular bead with a first axial surface, and a second axial surface, joined via a curved portion, with said inner surface of annular member of the clip having a shape complementary to the annular bead. The support bar has a hinge-like first end that is attached to the annular member, the longitudinal legs are spaced circumferentially about the hose nipple (the legs are equal spaced around the circumference of the hose nipple). The clip receives a clamp on

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an outer surface of the longitudinal legs. The clip having an axial opening in the support bar. The at least two longitudinal legs extend a distance substantially the same as that of the nipple distal end portion.

Spence discloses the invention substantially as claimed above but fails to disclose that the annular member is formed into fingers. Warburton-Pitt teaches a clip having an annular member that engages a protuberance (36) of a second member (30) and the annular member is formed by multiple of fingers (fingers 58) that are equally spaced around a circumference of the member. It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the annular member that engages the annular bead of Spence to be multiple of fingers as taught by Warburton-Pitt, to provide easy installation of a connector over a second member (column 3, lines 25-34 of Warburton-Pitt).

Regarding claim 3: Furthermore after have the annular member be made into fingers, there exist a radial opening between the fingers and the support bar would have a hinge-like arm portions that will make the fingers to move.

3. Claim 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer in view of Warburton-Pitt as applied to claim 1 above, and further in view of Grau et al (US. 6,010,162).

Spencer and Warburton-Pitt disclose the invention substantially as claimed above but fail to disclose that the outer surface of the at least two longitudinal legs has two longitudinally extending surface separated by a radially raised portion. Grau discloses a clip having two longitudinal legs, the legs having an outer surface with two extending surfaces separated by a radially raised portion (as seen in figure 4, surfaces 44 and 42 separated by a raised portion). It

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would have been obvious to one having ordinary skill in the art at the time the invention was made to configure an outer surface of the two longitudinal legs of Spencer and Warburton-Pitt to have two outer surfaces that are separated by a raised portion as taught by Grau, to provide proper nesting of multiple claims on the outer surface of the clip (see figures 3-4 of Grau).

4. Claims 7-8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer and Warburton-Pitt as applied to claim 1 above, and further in view of Lodholm et al (US. 3,174,777).

Spencer and Warburton-Pitt disclose the invention substantially as claimed above but fail to disclose that an inner surface of each of the at least two longitudinal legs has a curvature. Lodholm discloses a clip having two legs, the legs have a curved inner surface (figure 9) and the curved inner surface is configured to be a laterally curved that is complementary to a curved outer surface of a body (hose or nipple or conduit body). It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the inner surface of the at least two longitudinal legs of Spencer and Warburton-Pitt to have curved inner surface as taught by Lodholm, to provide a proper seating of a hose or conduit when it is placed on the nipple (see figures of Lodholm and column 5, lines 35-36).

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer, Warburton-Pitt and Lodholm as applied to claim 16 above, and further in view of Grau et al.

Spencer, Warburton-Pitt and Lodholm disclose the invention substantially as claimed above but fail to disclose that the outer surface of the at least two longitudinal legs has two longitudinally extending surface separated by a radially raised portion. Grau discloses a clip having two longitudinal legs, the legs having an outer surface with two extending surfaces

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separated by a radially raised portion (as seen in figure 4, surfaces 44 and 42 separated by a raised portion). It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure an outer surface of the two longitudinal legs of Spencer, Warburton-Pitt and Lodholm to have two outer surfaces that are separated by a raised portion as taught by Grau, to provide proper nesting of multiple claims on the outer surface of the clip (see figures 3-4 of Grau).

Allowable Subject Matter

6. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 21-23 are allowed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Courtot et al, Godeau et al, Oi, Dehar and Dupont et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP
August 30, 2005

A handwritten signature in black ink, appearing to read "Vishal Patel". The signature is stylized with a large, sweeping "V" and a cursive "Patel".

Vishal Patel
Patent Examiner
Tech. Center 3600